



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

M. KAWAHITO ET AL.

Serial No.: 10/085,455

Filed: February 27, 2002

**COPY OF PAPERS
ORIGINALLY FILED**

ATTORNEY DOCKET NO. JP920000420US1

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Examiner:

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Art Unit: 2122

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For: **PROGRAM OPTIMIZATION
METHOD AND COMPILER USING
THE PROGRAM OPTIMIZATION
METHOD**

RECEIVED

JUL 08 2002

OFFICE OF PETITIONS

DECLARATION UNDER 37 C.F.R. § 147

Honorable Assistant Commissioner for Patents
Washington, DC 20231

Sir:

I, Lucille Fourgeot, a United States citizen residing at 36 Mahopac Avenue, Amawalk, New York 10501, United States of America, hereby declare as follows:

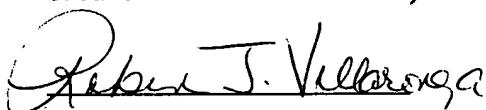
1. That I am currently employed by IBM in the position of Patent Administrator Specialist in the Intellectual Property Department.
2. That I routinely prepare documents relating to United States patent applications that require signatures of inventors.
3. That the inventor John C. Whaley signed an employment agreement with IBM on February 1, 1998.
4. That I prepared the Assignment and Declaration and Power of Attorney and that I mailed them to John C. Whaley at his current home address, 151 Calderon Avenue, No. 194, Mountain View, California 94041, for his signature on February 20, 2002 via Express Mail.
5. That on April 3, 2002 John C. Whaley sent me an electronic note (copy enclosed) indicating he received the Assignment and Declaration and Power of Attorney, and that he would sign them and return them to me that week.
6. That I have continued sending electronic mail to him indicating that I have not received the documents, but he still has not responded or returned the signed Declaration and Power of Attorney and the Assignment. The electronic mail that I sent to Mr. Whaley are as follows: June 24, 2002, June 14, 2002, June 10, 2002, May 17, 2002, May 9, 2002, April 17, 2002, April 3, 2002, April 3, 2002, March 26, 2002, March 21, 2002, February 20, 2002, and February 5, 2002, (copies enclosed).

7. That on June 17, 2002, I mailed a duplicate set of formal papers, the Declaration and the Assignment, and sent them to Mr. Whaley at 151 Calderon Avenue, No. 194, Mountain View, California 94041 via the U.S. Postal Service, Certified Mail No. 7001 1940 0002 7123 1619, return receipt requested, and that I have not received the Assignment or the Declaration and Power of Attorney.
8. That on June 24, 2002 I attempted to call him at his office at Stanford University, California, on (650) 725-3720 to ask him to sign the Declaration and Power of Attorney and the Assignment and I was told that he would be in later. That I called again later and left a message on his answering machine to call me with regard to the return of the signed Declaration and Power of Attorney and the Assignment.
9. That I further declare that all statements made herein of my own knowledge and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful and false statement may jeopardize the validity of the above-referenced application and any patent issuing therefrom. Further declarant sayeth not.

Sworn before me in the)
Town of Yorktown Heights,)
New York 10598, this 26th)
of June 2002.)



Lucile Fourgeot
Lucile Fourgeot



Robin J. Villaronga

Notary Public in
Westchester County
Town of Yorktown Hgts.,
New York 10598

ROBIN J. VILLARONGA
Notary Public, State of New York
Qualified in Dutchess County
Commission Expires July 29, 2005
NOVEMBER 14, 2005.

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Hideaki Komatsu

Full name of second joint-inventor, if any

Inventor's signature

Date

1-24-5-1004 Kagahara, Tsuzuki-ku, Yokohama-shi, Japan

Residence

Japan

Citizenship

Same as above.

Post Office Address

John Craig Whaley

Full name of third joint-inventor, if any

John Craig Whaley

7-11-2002

Date

151 Calderon Avenue #194, Mountain View, California 94041

Residence

USA

Citizenship

Same as above.

Post Office Address

Full name of fourth joint-inventor, if any

Inventor's Signature

Date

Residence

Citizenship

Post Office Address

Full name of fifth joint inventor, if any

Inventor's Signature

Date

Residence

Citizenship

Post Office Address

Full name of sixth joint-inventor, if any

Inventor's signature

Date

Residence

Citizenship

Post Office Address